

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

MALACHI KADAR BEY,

:

Petitioner,

Case No. 3:11-cv-439

:

-vs-

District Judge Thomas M. Rose
Magistrate Judge Michael R. Merz

MONTGOMERY COUNTY SHERIFF
PHIL PLUMMER, et al.,

:

Respondents.

ORDER ADOPTING REPORT AND RECOMMENDATIONS

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. No. 2), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired on January 3, 2012, hereby ADOPTS said Report and Recommendations.

It is therefore ORDERED that the habeas corpus Petition herein be dismissed for refusal to either pay the \$5.00 filing fee or file proof of inability to do so.

January 4, 2012.

**s/THOMAS M. ROSE*

Thomas M. Rose
United States District Judge